

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL EXECUTIVE COMMITTEE MEETING

November 16, 1999
MAG Offices
302 North 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Neil Giuliano, Tempe, Chairman	* Mayor Elaine Scruggs, Glendale
* Mayor Skip Rimsza, Phoenix, Vice Chairman	Mayor John Keegan, Peoria
Mayor Jay Tibshraeny, Chandler	

* Not present

1. Call to Order

The Executive Committee meeting was called to order by Chairman Neil Giuliano at 12:05 p.m.

2. Approval of October 18, 1999 Executive Committee Meeting Minutes

Mayor Jay Tibshraeny moved, Mayor John Keegan seconded and it was unanimously carried to approve the October 18, 1999 Executive Committee meeting minutes.

3. Update on the Final Report of the Growing Smarter Commission

Chairman Giuliano noted that this item would be presented for information only today.

James M. Bourey summarized the process of the Growing Smarter policy recommendations. He indicated that in July 1999, the Regional Council reviewed and adopted a position on the Commission's July 16 policies. The Commission's September 1999 report was substantially different than the policies that the Regional Council had reviewed. Mr. Bourey stated that the Executive Committee had given direction for staff to get further input on the principles. He indicated that the principles were also discussed at the joint MAG/PAG meeting in October 1999. Mr. Bourey stated that staff recommends that the Regional Council adopt a general policy position on growth related legislation, rather than on Growing Smarter or on the Citizens Growth Management Initiative.

Corey Cox stated that specific details of proposed constitutional amendments and legislation need to be considered as they evolve. She noted that since the legislation is unknown at this time, it would be inappropriate to take a position. Ms. Cox stated that several policies that the Regional Council had supported in earlier discussions would promote an ability for local governments within the MAG Region to plan carefully and ensure future generations enjoy an improved quality of life. She outlined the eight principles of good planning: 1) Proactively encourage the conservation of

meaningful open spaces in urban and rural areas, including the implementation of the MAG Desert Spaces Plan. 2) Recognize that there are significant differences between the issues facing urban and rural, high growth and slow growth areas. 3) Local governments make planning decisions and use the zoning process to balance the rights of existing residents with those of developers and/or new residents and businesses. 4) New development should pay the full marginal costs of infrastructure, including schools, with the exception of development within infill incentives districts. Clear statutory authority should be established for local governments to institute a development of regional impacts mechanism to broaden the discussion on development proposals that have greater than local costs. 5) Counties that are significantly urbanized should have the authority to regulate minor land divisions that is equivalent to existing city authority. 6) Support existing local government policies encouraging public participation in the planning and zoning processes. 7) Seek the express authorization for local governments to designate areas outside of which infrastructure and services are limited or not provided at public expense. 8) Promote redevelopment, revitalization and infill projects.

Chairman Giuliano indicated that he agreed with the approach to state support for principles of good planning.

Mayor Keegan expressed concern with the wording in principle #4, “infrastructure, including schools.” He indicated this could put schools in a position of the review and approval process. Mayor Keegan noted that this could become an involved process among jurisdictions. Mayor Tibshraeny commented on the situation of schools becoming collection agencies. Ms. Cox mentioned that some schools may not accept more students if they are at capacity. Mayor Keegan stated that denying acceptance of students could be illegal. He clarified the wording in the legislation about municipal services being provided. He indicated that schools are not municipal services. Mayor Keegan noted that the courts have designated the state as responsible for schools, but the wording in this principle brings the cities into it. He stated that his concern would be legislation that would say that cities are to collect from developers. Ms. Cox stated that it was not staff’s intent to imply how money be collected or that cities would play a role. Mayor Keegan mentioned that Peoria has developed a checklist for developers. One of the items on the checklist is that the developer must meet with the schools and supply a letter to the City documenting the meeting. He indicated that \$1.3 million has been received in impact fees in Peoria this year. Mayor Tibshraeny suggested that the term “public facilities” replace “infrastructure, including schools.” Chairman Giuliano stated that he agreed with the change in wording requested by Mayor Tibshraeny. Mr. Bourey indicated that staff would revise #4 of the eight principles to change the wording, “infrastructure, including schools” to “public facilities.”

4. Valley Vision 2025 Update

Chairman Giuliano stated that he spoke with Quentin Smith, Chairman of the GPL. He indicated that he and Mr. Bourey would be meeting with Mr. Smith to firm up GPL’s participation in the project.

5. Preliminary Planning for the Regional Council Retreat

Mr. Bourey handed out a draft agenda for the Regional Council Retreat scheduled for January 7, 2000. He said that in addition to a review of 1999 accomplishments, the agenda would contain three main parts. Mr. Bourey indicated that Part One will focus on Trends Affecting Regions and Our Region. He mentioned that Doug Henton from Collaborative Economics will speak. Part Two will focus on New Models in Regional Leadership and Governance. Mr. Bourey stated that Part Three will focus on the Review and Discussion of Valley Vision 2025 Goals. Chairman Giuliano stated that the agenda items will provoke thought and input. He asked if the agenda would be reviewed by the Regional Council prior to finalization. Mr. Bourey replied that the agenda would incorporate comments received today from the Committee. Mayor Keegan asked about the start time of the Retreat. Mr. Bourey stated that members would spend the first hour from 8:00 to 9:00 arriving and having breakfast. Mayor Tibshraeny commented that in the future, a central location for the Retreat would be preferable. Mr. Bourey asked members to encourage Regional Council members to attend.

6. EPA Approvability Problem with the 1999 MAG Serious Area Particulate Plan for PM-10

Mr. Bourey summarized the background of the MAG 1999 Serious Area Particulate Plan for PM-10. He stated that on November 9, 1999, the Environmental Protection Agency (EPA) notified MAG by telephone and Governor Hull by letter that there was an approvability problem with the Plan. Mr. Bourey indicated that this letter was faxed out to Committee members immediately. He said that if the plan cannot be approved by March 2, 2000, the first sanction will be imposed which involves two to one off-sets for major industrial sources. Mr. Bourey indicated that if the plan is not corrected by September 2, 2000, the second sanction will be imposed which involves the loss of federal highway funds. He indicated that the EPA has issue with the degree of compliance for the Maricopa County dust control rules.

Lindy Bauer stated that the assumed 90 percent compliance for Maricopa County is fugitive dust Rule 310, a lack of a strategy for paving unpaved roads and lack of measures to control dust on unpaved roads are the issues that EPA has with the Plan. She stated that enforcement of the Rule 310 has been decreasing. Ms. Bauer indicated that the EPA also expressed concern with dust on paved roads. Ms. Bauer indicated that measures recommended by staff include committing \$5.4 million for paving principal County dirt roads, \$5.4 million for paving remaining County dirt roads with greater than 130 ADT, \$3.4 million for paving streets in Goodyear, Apache Junction, Avondale, and Tempe, and \$5.7 million to purchase approximately 48 PM-10 efficient street sweepers with CMAQ funds. Ms. Bauer mentioned that the cost for paving County dirt roads would be matched 50 percent by the County. She described a process used by MCDOT for paving unpaved roads.

Mayor Tibshraeny asked the source of Maricopa County funds. Ms. Bauer replied that MCDOT is optimistic that the Board of Supervisors will put up the 50 percent match. Mayor Keegan asked the source of money for CMAQ projects. Ms. Bauer replied that CMAQ funds are federal funds. Mr. Bourey listed various projects eligible for CMAQ funding. Ms. Bauer stated that staff recommends that the paving and PM-10 efficient street sweepers be funded with CMAQ funds. Mr. Bourey commented that additional CMAQ funds are coming in, so no other projects will be

eliminated. Ms. Bauer commented that it is helpful to point out to the EPA that money is committed to paving unpaved roads. Maricopa County is working on a more stringent charbroiler control measure. Ms. Bauer stated that, in addition, it may be necessary to move the Agricultural Best Management Practices contingency measure to the attainment demonstration.

Chairman Giuliano asked how the determination is made that the recommended measures are sufficient. Ms. Bauer replied that the EPA is conducting a meeting being held later in the day that will help determine if this is sufficient. Mr. Bourey indicated that the EPA has indicated that they will not accept more than 80 percent compliance without superior documentation. Enforcement efforts would help with compliance.

Ms. Bauer summarized the sanction schedule. She stated that if the plan cannot be approved by March 2, 2000, the first sanction will be imposed which involves two to one off-sets for major industrial sources. She indicated that if the plan is not corrected by September 2, 2000, the second sanction will be imposed which involves the loss of federal highway funds, which includes highway projects as well as local projects.

Mayor Tibshraeny asked for clarification of industrial sources. Ms. Bauer explained industrial sources would include power plants, such as APS and SRP. Chairman Giuliano commented on the impact to planned SRP plants. Ms. Bauer stated that the EPA sent a message today that four months are needed to review the corrections prior to plan approval. She said that to avoid the March 2, 2000 sanction, the Plan would have to be submitted by November 2, a week before notification of the problem on November 9. Mayor Tibshraeny asked the Governor's response. Ms. Bauer stated that staff has been in contact with Governor's office. They have stated that they do not want sanctions and would offer assistance, if needed. Mr. Bourey stated that the EPA has procedures they are obliged to follow that must comply legally. Mr. Bourey stated that timing in this situation is crucial.

There being no further business, the meeting was adjourned at 12:50 p.m.

Chairman

Secretary